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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,695	09/19/2003	Behram Dacosta	50T5565.01	1408

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 ROGITZ & ASSOCIATES
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 San Diego, CA 92101

EXAMINER

TRAN, PABLO N

ART UNIT	PAPER NUMBER
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2618

DATE MAILED: 06/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/666,695	Applicant(s) DACOSTA ET AL.	
	Examiner Pablo N. Tran	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
 4a) Of the above claim(s) 17-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16, 20-29 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>08/11/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-16 and 20-29, drawn to a user device having a host processor, a physical radio layer, and wake up logic circuitry.
 - II. Claims 17-19, drawn to an access point in a wireless network having means for receiving a power save mode signal from a user device and transmitting a code in disabling the power save mode.
2. The inventions are distinct, each from the other because:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Group I drawn to a user device having wake up logic circuitry to cause the host processor to be energized wherein Group II has separate utility such as an access point in a wireless network for receiving a power save mode signal from a user device and transmitting a code in disabling the power save mode. See MPEP § 806.05(d).
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their recognized divergent subject matter and different searches are required for each group.

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4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

5. During a telephone conversation with Mr. John L Rogitz (Reg. No. 33,549) on May 25, 2006, a provisional election was made without traverse to prosecute the invention of Group I, claims 1-16 and 20-29. Claims 17-19 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 5 recites the limitation "the module". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1, 3, 9, 11, 20-21, and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Shootbridge (6,633,769).

As per claims 1, 9, and 20-21, Shootbridge disclosed a user device (fig. 3/no. 120) configured for wireless communication with an access point (fig. 1/no. 54) of a wireless network, wherein the user device having a host processor (fig. 3/no. 130) having a power save mode in which the host processor is de-energized (col. 5/ln. 43-47), a physical radio layer (fig. 3/no. 140) configured for communicating with the wireless network and energized even when the host processor is in the power save mode, and wake up logic circuitry generating a wake up signal (abstract) indicative of the availability of data for the user device in the network, the wake up signal being generated upon receipt of communication signal (code) from the network intended for the user device (abstract, fig. 5, col. 6/ln. 46-57).

As per claims 3, 11, and 24, Shootbridge disclosed the wake up signal is used to automatically disable the power save mode to cause the host processor to be energized (abstract, fig. 5, col. 6/ln. 46-57).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 2, 8, 10, 16, 22, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shootbridge (6,633,769).

As per claims 2, 10, and 22, Shootbridge does not specifically suggest an alert. However, such is notoriously well known in the art that the examiner takes Official Notice of such. Therefore, it would have been obvious to one of ordinary skill in the art to provide an alert, such as an LED, to the communication device of Shootbridge in order to notify the user that the device is awake or powered.

As per claims 8, 16, and 29, Shootbridge does not specifically disclose that the wakeup logic circuitry is embodied at least in part by a shift register and related logic circuitry. However, such is notoriously well known in the art that the examiner takes Official Notice of such. Therefore, it would have been obvious to one of ordinary skill in the art to provide such wake up circuitry to the communication device of Shootbridge in order to provide a less complicate circuitry to reduce space and save incurred cost.

12. Claims 4-5, 12-13, and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shootbridge (6,633,769) in view of In re Japikse, 86 USPQ 70 (CCPA 1950).

As per claims 4-5, 12-13, and 25-26, Shootbridge disclosed the wake up logic circuitry is implement in the physical radio layer (col. 6/ln. 10-13) but not specifically implemented in a medium access controller (MAC). However, such shifting location of parts is obvious to one of ordinary skill in the art as stated in In re Japikse, 86 USPQ 70

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(CCPA 1950). Therefore, it would have been obvious to one of ordinary skill in the art to implement the location of the wake up circuitry in medium access controller to reduce space and cost to the PCMCIA card.

13. Claims 6-7, 14-15, 18-19, and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shootbridge (6,633,769) in view of Lindskog et al. (US20010031626).

As per claims 6, 14, and 27, Shootbridge disclose such wireless LAN network but not explicitly it is of 802.11 network and utilization of traffic indication map (TIM). Lindskog et al. suggest such utilization of 802.11 wireless LAN network [0029] and TIM message [0033]. Therefore, it would have been obvious to one of ordinary skill in the art to provide such network and message, as claimed above, to the communication system of Shootbridge to provide a communication system that effectively provide power saving function by reducing the number of transmission messages

As per claims 7, 15, and 28, the modified communication system of Shootbridge & Lindskog et al. further disclose the traffic signal includes a special sequence of N bytes repeated M times, wherein N and M are integers (see Lindskog et al., fig. 11).

Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pablo Tran whose telephone number is (571)272-7898. The examiner normal hours are 9:30 -5:00 (Monday-Friday). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can

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be reached at (571)272-7899. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) System. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-directauspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PABLO N. TRAN
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to be 'P. Tran', with a long horizontal flourish extending to the right.

AV2618

May 27, 2006